

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAMILLE WESTON,	:	
	:	
Plaintiff,	:	Case No. 2:22-cv-1650
	:	
v.	:	Chief Judge Algenon L. Marbley
	:	
SEARS,	:	Magistrate Judge Chelsey M. Vascura
	:	
Defendant.	:	

ORDER ON REPORT AND RECOMMENDATION


On April 5, 2022, the United States Magistrate Judge issued a Report and Recommendation (ECF No. 3) in this case. Having completed the initial screen required by 28 U.S.C. § 1915(e)(2), the Magistrate Judge recommended that the Court permit Plaintiff's Title VII employment discrimination claim to proceed but dismiss Plaintiff's First Amendment free exercise claim. The Report and Recommendation informed Plaintiff of her right to object within fourteen days. It also specifically advised Plaintiff of the rights she would waive by failing to object, including the right to *de novo* review by the District Judge. (ECF No. 3 at 5–6). No objections have been filed, and the deadline lapsed on April 19, 2022.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 3). Plaintiff's First Amendment claim is **DISMISSED** under 28 U.S.C. § 1915(e)(2) for failure to state a claim on which relief may be granted. Plaintiff's employment discrimination claim may **PROCEED** past the initial screen.

A month after the objection window, on May 18, 2022, Plaintiff filed a Motion for Summary Judgment (ECF No. 10). In full, the Motion reads: "This is a motion for summary judgement. I am requesting a decision on this case." (*Id.* at 1). It would be procedurally improper

for the Court to enter summary judgment before Defendant has responded to the Complaint. Moreover, under Federal Rule of Civil Procedure 56(c), a party seeking summary judgment must support its factual positions by citing to (or refuting) “particular parts of materials in the record.” This case has no factual record yet, since the parties have not engaged in discovery. Therefore, Plaintiff’s Motion for Summary Judgment (ECF No. 10) is **DENIED** as premature. The Court refers Plaintiff to the *pro se* handbook, linked online at <http://www.ohsd.uscourts.gov/pro-se-handbook>, for further information on the stages of litigation and the proper time for seeking judgment.

IT IS SO ORDERED.


ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: June 14, 2022